

Number	Effective	Title	Owner
II-80	7-93	Workers Comp/Retirement/Insurance/Volunteers	HR Manager

WORKERS COMPENSATION

The following procedure will be used for reporting on-the-job injuries and/or filing for Workers Compensation:

- A. Employee immediately reports on-the-job injury to supervisor.
- B. Employee fills out **Notice of Claim** (IC Form 1 in triplicate) and mails to payroll clerk.
- C. Supervisor fills out **Supervisor's Accident Report** (from 30-26A) and mails to payroll clerk.
- D. If employee returns to work within fourteen (14) days of injury, available leave (at the employee's option) may be used for the first 5 days, and Procedure F below, for days 6-14.
- E. Employee fills out **Workers Compensation Benefits Election Form WC-40** (see Forms section) and mails to payroll clerk.
- F. Code payroll time sheet as follows:
 1. If Option I is chosen, use Type of Time code 94 for leave without pay, workers compensation benefits only.
 2. If Option II is chosen, enter 32 hours per pay period (or 3.2 hours per day) of Code 89, on-the-job accident sick leave, and 48 hours of Code 94, leave without pay on-the-job accident. Code 89 will then go to available annual leave, then comp time off. If the employee has earned administrative leave available, it may then be entered under Code 69, earned administrative leave used.

If the employee is absent (and supervisor doesn't know why), enter Code 99 for hours absent.

Once leave has been claimed, it cannot be changed.

This policy does not allow for any "buy back" or "adjustments."

Refer to form WC-40 for explanation of Option I and II.

RETIREMENT

Immediate participation in the Idaho Public Employees Retirement System is mandatory for all employees who work at least 21 hours per week and are expected to be employed for more than five months, or 866 hours.

The department has two types of retirement categories--General Membership and Police Officer. All employees are categorized as general members unless they meet the criteria for police officer, which is uniformed, badged, and deputized.

You are encouraged to read the Public Employee Retirement System Handbook or call Retirement directly with your questions.

INSURANCES

Employees who work at least 20 hours per week and are expected to work five months or longer are eligible for the following insurances:

Health - Department pays for employee; employee pays for family coverage.

Life Insurance - Department pays for employee and dependents.

Accidental Death and Dismemberment - Department pays for employee.

Claims - Please work directly with the insurance carrier on claims and questions regarding coverage. Your supervisor, payroll or personnel is not responsible for mailing your claims or resolving claim problems.

Changes in Coverage - If you wish to change insurance deductions, beneficiaries, add or delete coverage, call the payroll clerk for appropriate forms.

Other Insurance Options are available during open enrollment.

VOLUNTEER WORKERS INSURANCE COVERAGE

What liability coverage is available to agency volunteer workers for the state of Idaho, or person serving without pay on state committees, boards or commissions?

Section 6-902, *Idaho Code*, defines the term 'employee' as follows:

An officer, employee or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity, whether with or without compensation; but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.

By reason of the above, volunteer workers and/or persons serving without pay come under the purview of the Idaho Tort Claims Act, Section 6-901, Idaho Code.

In addition to the Tort Claims Act, the State of Idaho Comprehensive General Liability and Automobile

Liability Policy provides that 'volunteer workers' acting within their scope as such and as authorized by the governing body to perform volunteer services are insured under the policy with certain exclusions. These exclusion are:

1. to the ownership, maintenance, operation or use of an automobile;
2. to the rendering of any professional service or the omission thereof;
3. to bodily injury, sickness or disease, including death at any time resulting from and also including loss of services sustained by any volunteer worker while performing services on behalf of the named insured;
4. to injury caused intentionally by or act at the discretion of a volunteer worker;
5. to bodily injury to another volunteer worker or to any officer, servant or employee of the named insured.

The automobile liability section of the policy provides that:

Any other persons while using an owned automobile or a hired automobile within the permission of the named insured, provided his actual operation or (if he is not operating) his other actual use thereof is within the scope of such permission, but with respect to bodily injury or property damage arising out of the loading or unloading thereof, such other person shall be an insured only if he is:

1. a lessee or borrower of the automobile, or
2. an employee of the named insured or of such lessee or borrower.

Thus the state's insurance policy provides coverage to 'volunteer workers' as insured under the policy with the limited restrictions concerning the use of an automobile, the policy provides coverage for any driver of a state owned or hired automobile, but does not cover the volunteer worker operating the volunteer's owned or hired automobile.

COMMENT: This information shall not be interpreted as a rule or regulation of the Bureau of Risk Management, and is designated as a general guideline for informational purposes only.